

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

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THIS DOCUMENT RELATES TO  
ALL CLASS ACTIONS

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) MDL No. 1456  
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) CIVIL ACTION: 01-CV-12257-PBS  
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) Judge Patti B. Saris  
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) Chief Magistrate Judge Marianne B. Bowler  
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**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF PLAINTIFFS'  
REPLY TO ASTRAZENECA PHARMACEUTICALS LP'S INDIVIDUAL  
MEMORANDUM IN OPPOSITION TO CLASS CERTIFICATION**

I, Steve W. Berman, hereby declare that:

1. I am an attorney at law, licensed to practice in the State of Washington and admitted *pro hac vice* in this case. I am a member of Hagens Berman LLP, resident in its Seattle, Washington office and am Co-Lead Counsel for the Plaintiffs in the above-captioned action.

2. This declaration is submitted in support of Plaintiffs' Reply to Astrazeneca Pharmaceuticals LP's Individual Memorandum In Opposition to Class Certification.

3. Attached as Exhibit 1 is a true and correct copy of the Coverage & Reimbursement Guide for Zoladex and Casodex, attached to the Letter from Jacqueline A. Connelly dated March 8, 1999. (AZ0427821-58; pertinent pages only) **(Filed Under Seal)**.

4. Attached as Exhibit 2 is a true and correct copy of the Deposition of John Freeberry dated May 20, 2004. (Pertinent pages only) **(Filed Under Seal)**.

5. Attached as Exhibit 3 is a true and correct copy of an e-mail from John Freeberry dated May 9, 2000. (AZ0449541-45) **(Filed Under Seal)**.

6. Attached as Exhibit 4 is a true and correct copy of an e-mail from Desta Barnabas dated August 22, 2000. (AZ0445417-24) **(Filed Under Seal)**.

7. Attached as Exhibit 5 is a true and correct copy of an e-mail from Desta Barnabas dated September 13, 2000. (AZ0445487-89) **(Filed Under Seal)**.

8. Attached as Exhibit 6 is a true and correct copy of a memorandum from Zoladex Marketing Team to Chris Iacono dated November 3, 1995. (AZ0080413-17) **(Filed Under Seal)**.

9. Attached as Exhibit 7 is a true and correct copy of a memorandum from Paula E. Jordan to Fred Roberts dated April 22, 1996. (AZ0036643) **(Filed Under Seal)**.

10. Attached as Exhibit 8 is a true and correct copy of a sample letter from Paula E. Jordan dated January 28, 1996. (AZ0036585) **(Filed Under Seal)**.

11. Attached as Exhibit 9 is a true and correct copy of an e-mail from John Freeberry dated September 13, 2000. (AZ0464087) **(Filed Under Seal)**.

12. Attached as Exhibit 10 is a true and correct copy of an e-mail from Desta Barnabas dated June 19, 2001. (AZ0445640-41) **(Filed Under Seal)**.

13. Attached as Exhibit 11 is a true and correct copy of the Sales Representative Call Notes dated 2002. (AZ0407062-65) **(Filed Under Seal)**.

14. Attached as Exhibit 12 is a true and correct copy of the Deposition of Jeffrey Alverson dated June 29, 2004. (Pertinent pages only) **(Filed Under Seal)**.

15. Attached as Exhibit 13 is a true and correct copy of the Atacand Catalog Pricing Strategy Recommendation dated June 10, 1998. (AZ0451451-74; pertinent pages only) **(Filed Under Seal)**.

16. Attached as Exhibit 14 is a true and correct copy of an e-mail from Mark Mallon dated November 20, 2000 with e-mail attachment regarding "Nexium and Prilosec Pricing Recommendations." (AZ0451203-08) **(Filed Under Seal)**.

17. Attached as Exhibit 15 is a true and correct copy of an e-mail from Michael Deaudrias dated January 6, 2000. (AZ0463133-34) **(Filed Under Seal)**.

18. Attached as Exhibit 16 is a true and correct copy of an e-mail from John Freeberry dated May 30, 2000. (AZ0463127-32) **(Filed Under Seal)**.

19. Attached as Exhibit 17 is a true and correct copy of Entocort Pricing: Final Recommendation dated August 22, 2001. (AZ0458273-75) **(Filed Under Seal)**.

20. Attached as Exhibit 18 is a true and correct copy of an untitled presentation related to Entocort pricing. (AZ0452054-105) **(Filed Under Seal)**.

21. Attached as Exhibit 19 is a true and correct copy of an e-mail from John Freeberry dated November 30, 2001. (AZ0465663-65) **(Filed Under Seal)**.

22. Attached as Exhibit 20 is a true and correct copy of an e-mail from John Freeberry dated March 13, 2001. (AZ0432026-34) **(Filed Under Seal)**.

23. Attached as Exhibit 21 is a true and correct copy of an e-mail from Steve Pitts dated September 26, 2003. (AZ0548618-19) **(Filed Under Seal)**.

24. Attached as Exhibit 22 is a true and correct copy of an e-mail from Andy Goldsborough dated August 29, 2002. (AZ0446906-08) **(Filed Under Seal)**.

25. Attached as Exhibit 23 is a true and correct copy of a Fax Cover Sheet dated December 9, 2003. (AZ0420998) **(Filed Under Seal)**.

26. Attached as Exhibit 24 is a true and correct copy of a Sales Representative Call Note dated 2002. (AZ0402174-75) **(Filed Under Seal)**.

Further the declarant sayeth not. I certify under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 17th day of December, 2004, at Seattle, Washington.

By /s/ Steve W. Berman  
Steve W. Berman  
**HAGENS BERMAN LLP**  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594

### **CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **DECLARATION OF STEVE W. BERMAN IN SUPPORT OF PLAINTIFFS' REPLY TO ASTRAZENECA PHARMACEUTICALS LP'S INDIVIDUAL MEMORANDUM IN OPPOSITION TO CLASS CERTIFICATION** to be electronically filed with the Court pursuant to the December 16, 2004 Order and to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 17, 2004 a copy to Verilaw Technologies for posting and notification to all parties.

By                     /s/ Steve W. Berman                      
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